

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION APPROVING THE PURCHASE OF THE ARTWORK "DIVINE WIND" FROM ARTIST JIM GALLUCCI, SCULPTUR, LTD; AND AUTHORIZING THE MAYOR TO EXECUTE A PURCHASE AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THIS RESOLUTION

WHEREAS, on September 30, 2020, the city entered into an Exhibition Agreement with Artist Jim Gallucci Sculptur, LTD ("Artist") for his "Divine Wind" piece to be exhibited on the city's Sculpture Walk; and

WHEREAS, "Divine Wind" sculpture is located in the traffic circle at Netherland Inn Road and the Artwork is considered as permanent Art at its current location; and

WHEREAS, the Kingsport Public Arts Committee considered the acquisition of the Artwork at its October 6, 2023 meeting and voted to make a favorable recommendation to the board of mayor and aldermen that city should acquire the same; and

WHEREAS, the city desires to purchase said Artwork from Artist for the amount of \$5,000.00 and Artist is agreeable to sell same; and

WHEREAS, the funding is identified in account no.: NC2100.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the purchase of the artwork "Divine Wind" for the price of \$5,000.00 is approved.

SECTION II. That the mayor, or in his absence, incapacity, or failure to act, the vice-mayor, is authorized and directed to execute, in a form approved by the city attorney and subject to the requirements of Article X, Section 10 of the Charter of the City of Kingsport, an Agreement of Sale for Artwork, to deliver the agreement and take any and all action as may be required on the part of the city to carry out, give effect to, and consummate the transactions contemplated by the agreement and this resolution.

SECTION III. That the mayor is further authorized to make such changes approved by the mayor and the city attorney to the agreement that do not substantially alter the material provisions of the agreement, and the execution thereof by the mayor and the city attorney is conclusive evidence of the approval of such changes.

SECTION IV. That the board finds that the actions authorized by this resolution are for a public purpose and will promote the health, comfort, and prosperity of the citizens of the city.

SECTION V. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 17th day of October, 2023.

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PATRICK W. SHULL, MAYOR

ATTEST:

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ANGELA MARSHALL, DEPUTY CITY RECORDER

APPROVED AS TO FORM:

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RODNEY B. ROWLETT, III, CITY ATTORNEY